

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SANDRA TOMLINSON, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

Case No. 19-cv-06999-RS (JCS)

**ORDER RE JOINT DISCOVERY  
LETTER; REPORT AND  
RECOMMENDATION RE  
PRECLUSION OF TESTIMONY**

Re: Dkt. No. 177

UBH asks that Plaintiff “Mary Jones” (a pseudonym) be ordered to: (1) appear for a deposition; (2) search for responsive documents to UBH’s document requests and supplement her document production accordingly; and (3) provide a verification for her own interrogatory responses. Plaintiff opposes these requests and the parties have submitted a joint discovery letter addressing the dispute. Dkt. no. 177. The Court DENIES UBH’s requests for the reasons set forth below.

Under Rule 26, parties “may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P. 26(b)(1). Here, the burden associated with the discovery UBH seeks outweighs its likely benefits.

First, with respect to the document discovery UBH seeks, there is no evidence that Ms. Jones has any documents other than the ones that her mother – who is also her agent under a

1 durable power of attorney -- has produced. In fact, the only evidence is that Ms. Jones, who now  
2 lives with her mother, has no documents. *See* Ex. 2 (Tomlinson Depo.) at 397.

3 Second, with respect to the interrogatories, the responses that have already been provided  
4 were properly signed by an agent with a power of attorney. In light of Ms. Jones' fragile mental  
5 condition, that is sufficient. *See Miller v. Holzmnn*, 238 F.R.D. 111, 112 (D.D.C. 2006).

6 Third, with respect to UBH's request to depose Ms. Jones, the burden associated with  
7 conducting such a deposition outweighs any potential benefit. Plaintiff has supplied a letter from  
8 her psychiatrist indicating that she is in an acute and unstable condition as a result of her mental  
9 health issues, and that she could not participate in or endure a deposition. Ex. 7. The psychiatrist  
10 further opines that the strains of the litigation could lead to a serious deterioration of her current  
11 mental health condition. *Id.* Moreover, according to Plaintiff's mother, Plaintiff has previously  
12 been hospitalized after attempting to commit suicide. Ex. 2 at 396. In this fragile condition, it  
13 appears unlikely that Plaintiff will provide any more information on the important issues in this  
14 case than that which has been provided by her mother. This is especially true for the only issue  
15 highlighted by the Defendant in the joint letter: whether Plaintiff authorized her mother to assign  
16 her insurance benefits when plaintiff went into in-patient care for her acute mental health  
17 condition. Plaintiff was 18 at the time and is very unlikely to have any information about the  
18 forms that her mother signed, or any after-the-fact ratification of an assignment. Indeed, the  
19 provider testified that no assignment was required for admission. Ex. 5 (Simpson Tr.) at 137.

20 On the other hand, Plaintiff has not produced any medical records showing the diagnosis of  
21 her mental condition, or treatment and current status. Plaintiff should produce those to the  
22 undersigned for in camera inspection by **December 15, 2025**. Plaintiff's counsel should arrange  
23 for submission of this evidence through Judge Spero's courtroom deputy, who can be reached by  
24 email at jcscred@cand.uscourts.gov. The Court will issue an order if it determines, after reviewing  
25 this evidence, that any further discovery from Plaintiff is appropriate. Finally, in light of  
26 Plaintiff's inability to personally participate in discovery, I would recommend that she be barred  
27 from submitting any declarations or testifying at trial in this matter. **Any party may object to the**  
28 **Court's Order and recommendation by filing an objection with the district court judge**

1 **within fourteen (14) days of the date of this Order.**

2 **IT IS SO ORDERED.**

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4 Dated: December 4, 2025

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6 JOSEPH C. SPERO  
United States Magistrate Judge

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United States District Court  
Northern District of California